



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,974	10/30/2003	J. Michael Holloway	UNIP:002	8496

29395 7590 12/18/2006

H. DALE LANGLEY, JR.
THE LAW FIRM OF H. DALE LANGLEY, JR. PC
610 WEST LYNN
AUSTIN, TX 78703

EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
----------	--------------

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/696,974

Applicant(s)

HOLLOWAY ET AL.

Examiner

BINH K. TIEU

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/6/05&8/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiedeman et al. (US. Pat. #: 6,775,519).

Regarding claims 1, 12, 16, 20, 23, 27 and 28, Wiedeman et al. ("Wiedeman") teaches a method for accurately accounting for session based system usage in a satellite communications system resources. A satellite communications system couples a plurality of terminals in bi-directional wireless communication with a terrestrial communications network via a gateway and at least one satellite. The plurality of user terminals such as terminals 13, as shown in figure 1, includes different types of fixed and mobile user

Art Unit: 2614

terminals, such as radio telephones 14, vehicle mounted mobile radio-telephones 15, fixed radio-telephones 14a, etc. that make sessions to the system. The sessions include voice calls initiated from the above user terminals; data calls initiated from paging/messaging-type devices 16, and modem calls from modems. Wiedeman further teaches the method comprises, inter alia, the steps of determining, at the gateway, a number of units of data transfer, such as bytes, that are used during the session on at least one of the inbound link and the outbound link (col.2, lines 42-45). The method further comprises the step of determining an amount to bill may also be based on a number of user terminals that simultaneously share a communication channel (i.e., a plurality of voice calls simultaneously initiated at same time on the shared channel) that carries at least one of the inbound link and the outbound link (col.2, lines 47-50 and col.8, line 65 through col.9, line 13). Wiedeman further teaches the gateway comprising a byte counter for counting bytes received from the return or transmitted to the forward link. The number of bytes could be determined as a function of some assumed average number of bytes per packet for a given session. A bill is determined as function of the bytes used in all sessions from all user terminals (col.10, line 29 through col.11, line 17).

Regarding claims 2-4, note col.9, lines 14-29; col.9, line 60 through col.10, line 17; and col.11, lines 23-58.

Regarding claim 5, note col.7, lines 1-7.

Regarding claim 6, note col.10, lines 43-52.

Regarding claim 7, note col.5, lines 36-51. and col.6, lines 61-67; col.8, lines 15-18 and lines 35-42.

Regarding claim 8, note col.1, line 64 through col.2, line 8; and col.4, lines 59-66.

Art Unit: 2614

Regarding claims 9-10, note col.6, line 55 through col.7, line 16.

Regarding claim 11, note col.9, lines 30-40 and col.10, lines 45-52.

Regarding claim 12, note col.9, lines 14-29; col.9, line 60 through col.10, line 17;
and col.11, lines 23-58.

Regarding claim 13, note col.10, lines 45-52.

Regarding claim 14, note col.9, lines 30-40.

Regarding claim 15, note calculation block, billing block, transmission block, etc.
are software instructions/commands stored in the gateway to perform transactions, see
col.10, line 57 through col.11, line 22.

Regarding claims 17-18, note col.4, line 59 – col.5, line 13 and col.10, lines 45-
52.

Regarding claim 19, note col.9, lines 30-40.

Regarding claims 21-22, note col.11, lines 1-17.

Regarding claim 24, note col.1, line 64 through col.2, line 3; col.5, lines 36-51
and col.6, lines 61-67.

Regarding claim 25, note col.8, lines 15-18 and lines 35-42.

Regarding claim 26, note col.9, lines 30-40 and col.10, lines 45-52.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2614

Ravishankar et al. (Pub. No.: US 2003/0060210) teaches a system and a method for providing real-time and non-real-time service over a communication system wherein a user of a *single* IP voice call is charged based packets transferred for the real-time call.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300

Hand Carry Deliveries to:

Customer Service Window
(Randolph Building)
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: November 2006